

REMARKS/ARGUMENTS

Status of the Application

Prior to the entry of this amendment, claims 1-21 were pending in this application. The Office Action objected to and/or rejected the following claims:

Claims 1, 2, 8, 9, 13, 17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,059,040 to Levitan (“Levitan”);

Claims 10, 11, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levitan; and

Claims 3-7, 12, 14, 16, 20 and 21 were objected to as being dependent upon a rejected base claim, but were considered allowable if rewritten in independent form.

The present amendment amends claims 1, 3-7, 10, 16, 17 and 21 and cancels claim 20. No new matter is added by the amendments to the claims. After entry of this amendment, claims 1-19 and 21 are presented for examination. Applicants respectfully request reconsideration of this application as amended.

35 U.S.C. §102 and 35 U.S.C. §103 Rejections

In the Office Action, claims 1, 2, 8, 9, 13, 17 and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Levitan and claims 10, 11, 15 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levitan. However, the Office Action provided that claims 3-7, 12, 14, 16, 20 and 21 were considered allowable if rewritten in independent form. As such, to further prosecution of the present patent application and without consideration of the merits of the section 102(a) and section 103(b) claim rejections, Applicants have amended independent claims 1 and 17 to include allowable subject matter found previously in, *inter alia*, claims 3-7 and 20. Applicants respectfully reserve the right to pursue any subject matter of the original claims of this application in a divisional application or the like.

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Amdt. dated October 26, 2006
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PATENT
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As a consequence of incorporation of allowable subject matter into independent claims 1 and 17, Applicants respectfully submit that as amended independent claims 1 and 17 are not anticipated by and are patentable over Levitan. Hence, it is respectfully requested that the section 102 and section 103 rejections of independent claims 1 and 17 as amended be withdrawn. Additionally, it is respectfully requested that the section 102 and section 103 rejections of all claims depending from independent claims 1 and 17 also be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event that a fee or refund is due in connection with this Amendment, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No 19-0615. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (617) 252-4732.

Respectfully submitted,



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